

BARRY J. PORTMAN
Federal Public Defender
MANUEL U. ARAUJO
Assistant Federal Public Defender
160 West Santa Clara Street, Suite 575
San Jose, CA 95113
Telephone: (408) 291-7753

E-FILED - 12/13/10

Counsel for Defendant ZHANG

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00812 RMW
)	
Plaintiff,)	STIPULATION AND ORDER
)	TO VACATE FINAL PRETRIAL
)	CONFERENCE AND TRIAL DATES
vs.)	
)	
)	
SUIBIN ZHANG,)	
)	
Defendant.)	
_____)	Honorable Ronald M. Whyte

The parties, Suibin Zhang and the government, acting through their respective counsel hereby stipulate, subject to the Court's approval, that the final pretrial conference set for December 16, 2010 at 2:00 p.m. and the trial date of January 10, 2011 at 9:00 a.m., be vacated and that the Court set a status hearing date of January 10, 2011 at 9:00 a.m.

The request to vacate the final pretrial conference date and trial date is made on behalf of Mr. Zhang's counsel who is currently out of the office on extended medical leave and is not expected to return to the office until 2011. If the Court prefers, the parties agree to appear on

1 December 16, 2010 at 2:00 p.m. for a status hearing prior to the January 10, 2011 status hearing
2 date.

3 The parties further agree and stipulate that time should be excluded from today's date
4 through and including January 10, 2011, for continuity of counsel and to provide defense counsel
5 further time to prepare, for purposes of Speedy Trial Act computations pursuant to Title 18,
6 United States Code, Sections 3161(h). Accordingly, Mr. Zhang and the government agree that
7 granting the requested exclusion of time will serve the interest of justice and outweigh the
8 interest of the public and the defendant in a speedy trial.

9 Dated: December 2, 2010

10 /s/
11 Manuel U. Araujo
Assistant Federal Public Defender

12 MELINDA HAAG
United States Attorney

13 Dated: December 2, 2010

14 /s/
David R. Callaway
15 Matthew A. Parrella
Assistant United States Attorneys

[] ORDER

Good cause appearing, and by stipulation of the parties in the above-captioned matter,

IT IS HEREBY ORDERED that the final pretrial conference set for December 16, 2010 at 2:00 p.m. and the trial date of January 10, 2011 at 9:00 a.m. are VACATED. The next court hearing will be held on [December 16, 2010 at 2:00 p.m.] [January 10, 2011 at 9:00 a.m.] for a status hearing. It is further ordered that the time between today's date through and including January 10, 2010, is excluded for purposes of Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

Dated: 12/13/10


HONORABLE RONALD M. WHYTE
United States District Judge